



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

August 21, 2013

Gebbers Farms, Inc.
Attn: Tory Wulf
PO Box 7
Brewster, WA 98812-0007

RE: Water Right Change Application No. CS4-30388P (OKAN-12-06)

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Okanogan County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE					
5.7		1245.2	1. 1200 ac-ft/year to be used for irrigation of 300 acres from April 1 to October 31. 2. 45.2 ac-ft/year to be used for frost protection from March 1 to April 30.					
SOURCE			TRIBUTARY OF (IF SURFACE WATER)					
Okanogan River/Wells pool			Columbia River					
AT A POINT LOCATED: PARCEL NO.	Tract	¼	¼	SECTION	TOWNSHIP N.	RANGE,	WRIA	COUNTY.
6600020000	Lot 2 Payne tract	SW	NE	09	31N.	25 E.W.M.	49	Okanogan
3125270033		S½	SE	22	31N.	25 E.W.M.	49	Okanogan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD								
NE¼NE¼, S½NE¼, N½SE¼, and SE¼SE¼ Section 6; E½NE¼NE¼ Section 7; W½NW¼ and SE¼NW¼ Section 8; all in T.31N., R.25E.W.M.; and SW¼SE¼, SE¼SW¼ and that portion of SE¼SE¼ and of the south 15 chains, 16 links of Government Lot 5 lying west of the County Road in Section 31, T.32N., R.25E.W.M., all in Okanogan County, Washington.								
DEVELOPMENT SCHEDULE								
BEGIN PROJECT BY THIS DATE:			COMPLETE PROJECT BY THIS DATE:			WATER TO PUT TO FULL USE BY THIS DATE:		
July 1, 2014			December 31, 2015			December 31, 2020		



FILE COPY



Ecology has **MODIFIED** the decision of the Board as follows:

- 1) The Conservancy Board's decision has been modified as noted in the table above.
- 2) The following provision is modified: RCW 75.20.040 is recodified as RCW 77.57.010 for Washington Department of Fish and Wildlife screening criteria.

"The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010 formerly RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. See: <http://wdfw.wa.gov/about/contact/>"

- 3) The following provision is added: The combined usage from all the points of diversion shall not exceed 1200 ac-ft per year for irrigation of 300 acres from April 1 to October 31 and 45.2 ac-ft per year for frost protection from March 1 to April 30.
- 4) The following provision is modified: Measuring device requirement provision (#6) is replaced with the following criteria.

"An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use," WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements."

Water use data shall be recorded weekly and maintained by the property owner. The maximum rate of withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

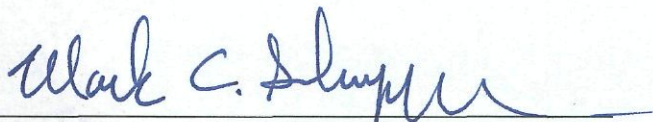
- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>



Mark C. Schuppe, Operations Manager
Office of the Columbia River

PA:MCS:RAZ (130806)

Enclosure: *Your Right to Be Heard*

Certified Mail: 7010 0290 0000 7131 4218

Cc: Lois Trevino, Water Administrator, Colville Confederated Tribes
Keith Stoffel, Department of Ecology, ERO
Okanogan County Water Conservancy Board

7010 0290 0000 7131 4218

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PS Form 3800, August 2006

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ATTN: TORY WULF
PO BOX 7
BREWSTER WA 98812-0007

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PS Form 3811, February 2004

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Claudia Thompson 8-22-13

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102595-02-M-1540